

## APPENDIX C CONSULTATION AND COORDINATION

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U.S. Department  
of Transportation

United States  
Coast Guard



Commander (oan-2)  
Eleventh Coast Guard District

Coast Guard Island  
Alameda, CA 94501-5100  
Staff Symbol: (oan-2)  
Phone: (510) 437-3514  
FAX: (510) 437-5836

16591

Corte Madera Cr (0.6)

Ser: 543-99

Date October 7, 1999

Dave Black  
Senior Environmental Planner  
Caltrans District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

Dear Mr. Black:

Thank you for the diagrams of the Proposed USH 101 HOV Lane Gap Closure Project as it affects the Corte Madera Creek highway bridge. Since the additional piles are located shoreward of the abutments, they have no affect on navigational clearances, and need no further permit action from the Coast Guard. That minor modification is within the parameters of the bridge permit 1-95-11 issued September 27, 1995. Since the project is approved under Section 9, of the Rivers and Harbors Act of 1899, there should be no need for approval under Section 10 of that Act, and the fill may be authorized under the U.S. Army Corps of Engineers Nationwide permit #15 but you should confirm this with their District Office.

The Coast Guard does have a continuing interest in the construction methods used for the widening, specifically, we must review and approve the plans for any falsework. Please note that any piling used in the falsework must be removed in their entirety (e.g. pulled) at the conclusion of the widening. Our experience with the trestles for the seismic strengthening project was less than satisfactory, and we received numerous complaints from waterway users. If trestles are used in this evolution, we will insist on strict compliance with approved plans, and will invoke civil penalties for violations.

Please call me or Jerry Olmes, our Project Officer, if you have any questions. Please keep us informed of any pre-construction conferences concerning this project.

Sincerely,

A handwritten signature in black ink, appearing to read "W. R. Till", with a long horizontal flourish extending to the right.

W. R. TILL  
Chief, Bridge Section  
U.S. Coast Guard  
By direction of the District Commander.

Copy to: USACE SF, Attn Regulatory Functions Branch

**RECORD OF MEETING OR CONVERSATION**

Date: 17 December 1999

MEMORANDUM

File: Mn-101-13.2/20.4(PM 8.2/12.7)

EA115750

HOV Lane Gap Closure

To: File

From: John Yeakel

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**WHERE HELD:**☐ By Telephone☐ District Office☒ At Other Party's Office☐ Other: \_\_\_\_\_

---

**INITIATED BY:**☒ District☐ Other: \_\_\_\_\_

---

**PARTICIPANTS:**

Ms. Debra O'Leary US Army Corps of Engineers SPD (415) 977-8442

Mr. John Yeakel Caltrans (510) 286-5606

---

**SUBJECT:** Pilings

---

Debra O'Leary and I met to discuss regulatory issues regarding a couple of Caltrans bridge projects. Debra explained that the Coast Guard has been given the task of reviewing the construction of bridges over navigable waters pursuant to Section 9 of the Rivers and Harbors Act of 1899. A COE permit (NWP 15) pursuant to Section 404 of the Clean Water Act is still required for the discharge of dredged or fill material into the waters of the United States associated with the construction of the proposed bridges and causeways.

Debra further explained that COE does not consider pilings associated with bridges as having the effect of a discharge of fill material and would not require a Section 404 permit, pursuant to 33 CFR 323.3 (c) (2) and COE Regulatory Letter.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX  
75 Hawthorne Street  
San Francisco, Ca. 94105-3901  
February 22, 1994

John Schultz, Chief  
District Operations A  
Federal Highway Administration  
980 Ninth Street, Suite 400  
Sacramento, CA 95814-2724

Re: Notice of Intent to Prepare an EIS  
State Route 101, HOV Gap Closure  
Marin County, California

Dear Mr. Schultz:

The U.S. Environmental Protection Agency (EPA) has reviewed the Notice of Intent to prepare an environmental impact statement (EIS) to close the gap in High Occupancy Vehicle (HOV) Lanes on State Route 101 from Lucky Drive to San Pedro Road in Marin County, California.

We provide our comments pursuant to the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act and the Council on Environmental Quality's Regulations for Implementing NEPA (40 C.F.R. Parts 1500-1508).

We appreciate the opportunity to review and provide comments on this scoping for the preparation of an environmental impact statement. Please send two copies of the Draft Environmental Impact Statement to this office at the same time it is officially filed with our Washington, DC office. If you have any questions, please feel free to contact me at (415) 744-1574.

Sincerely,



David J. Farrel, Chief  
Environmental Review Section  
Office of Federal Activities

Enclosure: 8 pages  
MI# 1887: SR101HOV.NOI

cc: Jeffrey Brooks, FHWA - Region IX  
Dan Harris, FHWA - Region IX  
Ken Van Velsor, Caltrans.District 4  
U.S. Fish & Wildlife Service-Sacramento  
U.S. Army Corps of Engineers-San Francisco  
Tom Mumley, Regional Water Quality Control Board-SF Bay

California Department of Fish & Game  
Tom Addison, Bay Area Air Quality Management District

## GENERAL COMMENTS

### Purpose and Need for the Project

1. The statement should specify the purpose and need to which the agency is responding in proposing the alternatives, including the proposed action. (40 C.F.R. § 1502.13]

The "need" might be thought of as the problem; "purpose" as the intention to solve the problem. The need should be quantified, providing a measure of the severity against which-alternatives proposed to solve the problem can be measured.

2. We recommend the following discussions, in addition to the stated project purpose of relieving congestion. The following options are consistent with those embraced by the California Transportation Directions Committee.
  - a. The EIS should discuss the proposals considered to decrease dependancy on single-occupant vehicles such as increasing public and private investment in expanded transit service, carpool and vanpool programs and "congestion pricing".
  - b. The EIS should also discuss the proposals considered to link transportation to land uses.

### Alternatives Analysis

1. The Draft EIS should rigorously explore and objectively evaluate all reasonable alternatives and briefly discuss the reasons for having eliminated other alternatives from further evaluation. (40 C.F.R. § 1502.141
2. We recommend that Project sponsors consider a combination of alternatives in addition to those noted in the FHWA Technical Advisory (T 6640.8A, page 14) to meet the project purpose and need. A combination alternative could include transit, transportation systems management, along with a build variation.

### Direct, Indirect and Cumulative Impacts

1. The DEIS should discuss direct, indirect and cumulative effects of the proposed action. Direct effects are caused by the action and occur at the same time and place (40 C.F.R. § 1508.8(a)]. Indirect effects are caused by the action and are later in time or further removed in distance, but are still reasonably foreseeable. They may include

induced changes in land use patterns, population density and growth rate and related effects on air, water and other natural systems (40 C.F.R. §1508.8(b)). Cumulative impacts result from the incremental impact of the action when added' to other past, present and reasonably foreseeable future actions, regardless of what agency undertakes the action [40 C.F.R. §1508.7].

#### Other NEPA Comments

1. The DEIS should cite specific documents and page numbers for documents incorporated by reference, and briefly describe the contents of the referenced material. The project sponsor should ensure that referenced materials are reasonably available for inspection. (40 C.F.R. §1502.21]

#### AFFECTED ENVIRONMENT

##### Air Quality

1. The EIS should reflect that the San Francisco Bay Area is designated nonattainment for ozone and carbon monoxide; there have also been numerous violations of the standard for particulate matter less than 10 microns. It should include levels of violations of state and federal standards for each pollutant for the last three years.
2. Discuss statutory requirements, both state and federal, for air quality plans and current efforts to revise any of those plans.
3. Identify PSD Class I Areas (i.e., wilderness areas, National Parks and relevant National Monuments, etc.) within 100 kilometers of the project area, since they receive special protection. for particulates, SO<sub>2</sub>, NO<sub>x</sub>.
4. Identify areas with special visibility value or protection.
5. Describe health effects *and damage* to crops and other vegetation related to nonattainment pollutants.

##### Water Quality

1. The EIS should discuss the project area's compliance with state and local water quality management plans and state adopted, EPA-approved water quality standards. We recommend coordinating project planning with the San Francisco Bay Regional Water Quality Control Board to ensure protection of water quality and maintenance of beneficial uses.

The EIS should describe and map drainage patterns and riparian areas in the proposed project area.

The EIS should identify the resources at risk such as wetlands (jurisdictional wetlands/waters of the United States) and fisheries habitat, especially *spawning and* rearing areas. It should identify the key species and acres of habitat affected, outline the beneficial uses of the area and identify special measures that will be taken to protect vulnerable areas from adverse effects of implementing the project.

4. Federal agencies must comply with the federal consistency requirements of the State's Nonpoint Source Management Program [Section 3 19 (b) (2) (F) and Section 3 19 (k) of the Clean Water Act]. The EIS should identify potential sources of nonpoint pollution from building and operating the proposed action. Such sources may include, but not be limited to, sediment, hydrocarbons, heavy metals and herbicides.

#### Hazardous Substances

The EIS should specify whether any hazardous substances, such as petroleum products and pesticides, will be used/generated as a result of implementing the proposed action.

#### Biological Resources

1. We recommend that the project sponsors coordinate with the U.S. Fish and Wildlife Service (FWS) and California Department of Fish & Game in the evaluation of potential impacts to threatened and endangered species, - rare or sensitive endemic communities -and candidate species.

The EIS should include copies of correspondence with FWS and listings of species that could occur in the project area.

2. The EIS should discuss the current quality and capacity of habitat, usage by wildlife near the proposed project, and known wildlife corridors/trails.



## **ENVIRONMENTAL CONSEQUENCES**

### **Air Quality**

1. Discuss the potential direct and indirect effects on air quality (and to-resources affected by degrading air quality) identified in the Affected Environment section and propose mitigation (if not already covered elsewhere in the analysis and discussion).

#### **Regional Pollutants**

##### **Ozone Precursors (hydrocarbons and nitrogen oxides (HC and NO<sub>x</sub>))**

- \* Project HC and NO<sub>x</sub> in areas that are at or near ozone standards.

#### **Localized Pollutants**

##### **Carbon Monoxide**

- \* Identify and discuss the models used for emissions and for dispersions modeling to determine pollutant concentrations.

The Clean Air Act (CAA) requires basing the conformity determination on the latest motor vehicle emissions model available. Given the need for consistency throughout an impacts analysis, we recommend projecting impacts using EMFAC7F.

- \* When modeling intersections, use the worst case meteorology, i.e., model at least for every 100 of wind direction, very stable conditions, low wind speed, low mixing height, cold temperature conditions, conservative background level assumptions (high).
- \* Project emissions without the project and with the project and compare with current levels. Specify the land use build out assumptions for each of these projections.

##### **Particulate Matter (PM<sub>10</sub>)**

EPA will issue guidance for localized PM<sub>10</sub> modeling in the near future. The EIS should follow this guidance and the conformity regulations [40 C.F.R. S 93.131 (d) to (f)]

The EIS should project direct emissions from *construction*, vehicles (tire wear, exhaust, brake wear) and reentrained road dust (Use AP-42 factors for road dust, or PART5 should they be available when you begin your analysis).

## 2. Use of Models to Project Air Quality Impacts

- \* The EIS should include traffic volume projections for each alternative and discuss how the model accounted for induced trips.
- \* The model should use a complete range of speeds, including those > 55 mph.
- \* The EIS, should evaluate the project's potential effects on regional pollutants. Such pollutants include ozone precursors (hydrocarbons and nitrogen oxides), carbon monoxide and particulate matter.

## 3. Conformity to Clean Air Act Amendments Requirements

The Draft EIS should demonstrate pursuant to Section 7506 (c)(3) of the Clean Air Act and the regulations implementing this section that the project (1) comes from a conforming transportation plan and program, (2) has not changed in design concept and scope from the design concept and scope approved in the program, and in carbon monoxide (CO) nonattainment areas, (3) eliminates or reduces the severity and number of violations of CO standards in the area substantially affected by the project. Projects proposed in PM<sub>10</sub> nonattainment areas should not contribute to new PM<sub>10</sub> violations or exacerbate existing ones.

EPA finalized criteria and procedures for making conformity determinations (58 Fed. Reg. 62188 (1993)). We recommend that the project sponsors consult Bob O'Loughlin of the Federal Highway Administration Regional office for assistance on the requirements of the rule, particularly the air quality studies that will be necessary to evaluate the potential temporal impacts related to the "staged" nature of this project.

We also recommend coordinating with the Bay Area Air Quality Management District to ensure compliance with federal and state air quality standards. You may wish to contact Tom Addison at (415) 771-6000.

## Water Resources

### Wetlands

1. The Draft EIS should identify the projected impact to waters of the U.S., including wetlands, i.e., acres of fill and acres altered by shading, sedimentation or other changes).
2. The EIS should demonstrate how the proposed action will comply with the 404(b)(1) Guidelines promulgated pursuant to Section 404 of the Clean Water Act [40 C.F.R. Part 2301. In particular, the EIS should:
  - a. demonstrate that the project sponsors have selected the least environmentally damaging practicable alternative based on costs, logistics and existing technology with respect to waters of the United States, including wetlands. [40 C.F.R. 230.10(a)]
  - b. describe how the project sponsors will avoid, minimize and mitigate the potential impacts of implementing each of the alternatives. (Enclosed is a copy of the Memorandum of Agreement between EPA and the Army concerning the determination of mitigation under the Clean Water Act Section 404(b)(1) Guidelines from which pertinent information may be drawn.) For impacts that are unavoidable, the EIS should include mitigation with as much detail as possible. It should show specific mitigation plans and propose a mitigation ratio. It should not propose existing wetlands for mitigation.
  - c. demonstrate that implementing the action will not jeopardize the continued existence of species listed as endangered or threatened under the Endangered Species Act of 1973 or result in the destruction or adverse modification of a habitat which is critical habitat under the Endangered Species Act of 1973.
  - d. discuss how the impacts of the proposed action may contribute to cumulative losses of wetlands in the area.
  - e. discuss whether the project will cause or contribute to significant degradation of the waters of the United States.
3. As you may know, EPA, FEWA, U.S. Army Corps of Engineers and U.S. Fish & Wildlife Service, along with state highway agencies, recently signed a Memorandum of Understanding (MOU) on how to integrate the requirements of NEPA and Section 404 of the Clean Water Act. Please contact Dan Harris of FHWA's regional office to obtain a copy of the MOU

and the guidance papers prepared to assist in implementing the MOU. You can reach him at (415) 744-2611.

### **Water Quality**

1. We recommend that you consider the management practices listed in Attachment A to minimize erosion and maximize the retention of soil on-site and in siting the roadway and bridges. We also recommend that you contact Tom Mumley, the Nonpoint Source Coordinator at the Regional Water Quality Control Board, regarding other appropriate management practices for your project area. You can reach him at (510) 464-1255.
2. We recommend that the EIS include a conceptual runoff and sedimentation control plan and discuss the management practices it intends to implement to protect water quality. The EIS should also discuss how the management practices will be monitored to ensure that they are effective in protecting water quality.

### **Hazardous Substances**

If the project sponsors expect to use hazardous substances (40 C.F.R. S 302.4) in conjunction with the proposed action, the EIS should discuss how the project sponsors will protect against spills in compliance with the requirements of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the methods that will be used to clean-up and dispose of spills/wastes in compliance with the Resource Conservation and Recovery Act (RCRA) regulations found at 40 C.F.R. S 260 to 268.

## Attachment A

### **Erosion**

1. Schedule projects so clearing and grading is done during times of minimum erosion potential.
2. Mark and clear off only areas essential for construction.
3. Avoid disturbing vegetation on steep slopes or other critical areas such as highly erodible soils and areas that drain directly into sensitive water bodies.
4. Route construction-to avoid existing and newly planted vegetation.
5. Protect natural vegetation with fencing, tree armoring.
6. Cover or stabilize topsoil stockpiles.
7. Use wind erosion controls to act as wind barriers such as solid board fences, snow fences and bales of hay.
8. Seed and mulch disturbed areas.

### **Siting Roadways and Bridges**

1. Consider the type and location of permanent erosion and sediment controls such as vegetative buffer strips, grasses swales, energy dissipators and velocity controls.
2. Avoid marshes, bogs and other low-lying lands subject to flooding.
3. Avoid locations requiring excessive cut and fill.
4. Avoid locations subject to subsidence, land slides, rock outcroppings and highly erodible soils.
5. Size right-of-ways to include space for siting runoff pollution control structures, as appropriate.
6. Avoid locations requiring numerous river crossings.
7. Direct pollutant loadings away from bridge decks by diverting runoff waters to land for treatment.



IN REPLY REFER TO:

1-1-98-SP-1185

## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office

3310 El Camino Avenue, Suite 130

Sacramento, California 95821-6340

April 23, 1998

Chuck Morton, District Branch Chief  
Specialist Branch  
Office of Environmental Planning North  
Department of Transportation  
Box 23660  
Oakland, California 94623-0660

Subject: Species Lists for Proposed Widening and Improvement of Highway 101,  
San Rafael, Marin County, California

Dear Mr. Morton,

As requested by fax from your agency dated April 17, 1998, you will find enclosed lists of sensitive species that may be present in or *may be affected by* projects in the subject project area (see Enclosure A). These lists fulfill the requirement of the Fish and Wildlife Service (Service) to provide species lists pursuant to section 7(c) of the Endangered Species Act of 1973, as amended (Act).

The animal species on the Enclosure A quad list are those species we believe may occur within, *or be affected by projects within*, the USGS San Rafael Quad, where your project is planned.

Any plants on the Enclosure A quad list are those *that have actually been observed* in the project quad. Plants on the county list may also occur in the quad where your project is planned.

Some of the species listed in Enclosure A may not be affected by the proposed action. A trained biologist or botanist, familiar with the habitat requirements of the listed species, should determine whether these species or habitats suitable for these species may be affected by the proposed action. For plant surveys, the Service recommends using the enclosed Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Species (Enclosure C).

Some pertinent information concerning the distribution, life history, habitat requirements, and published references for the listed species is available upon request. This information may be helpful in preparing the biological assessment for this project, if one is required. Please see Enclosure B for a discussion of the responsibilities Federal agencies have under section 7(c) of

Chuck Morton, District Branch Chief

the Act and the conditions under which a biological assessment must be prepared by the lead Federal agency or its designated non-Federal representative.

Formal consultation, pursuant to 50 CFR § 402.14, should be initiated if you determine that a listed species may be affected by the proposed project. If you determine that a proposed species may be adversely affected, you should consider requesting a conference with our office pursuant to 50 CFR § 402.10. Informal, consultation may be utilized prior to a written request for formal consultation to exchange information and resolve conflicts with respect to a listed species. If a biological assessment is required, and it is not initiated within 90 days of your receipt of this letter, you should informally verify the accuracy of this list with our office.

Candidate species are currently being reviewed by the Service and are under consideration for possible listing as endangered or threatened. Candidate species have no protection under the Endangered Species Act, but are included for your consideration as it is possible that one or more of these candidates could be proposed and listed before the subject project is completed. Should the biological assessment reveal that candidate species may be adversely affected, you may wish to contact our office for technical assistance. One of the potential benefits from such technical assistance is that by exploring alternatives early in the planning process, it may be possible to avoid conflicts that could otherwise develop, should a candidate species become listed before the project is completed.

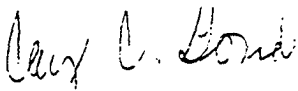

Enclosure A contains a section called *Species of Concern*. This term includes former category-2 candidate species and describes the taxa whose conservation status may be of concern to the Service and other Federal, State, and private conservation agencies and organizations.

If the proposed project will impact wetlands, riparian habitat, or other jurisdictional waters as defined by the U.S. Army Corps of Engineers (Corps), a Corps permit will be required, pursuant to section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act. Impacts to wetland habitats require site specific mitigation and monitoring. You may request a copy of the Service's General Mitigation and Monitoring Guidelines or submit a detailed description of the proposed impacts for specific comments and recommendations. If you have any questions regarding wetlands, contact Mark Littlefield at (916) 979-2113.

Chuck Morton, District Branch Chief

We appreciate your concern for endangered species. Please contact Mr. Michael Thabault, Supervisory Fish and Wildlife Biologist at (916) 979-2752, if you have any questions about the attached list or your responsibilities under the Endangered Species Act. For the fastest response to species list requests, address them to the attention of the section 7 office assistant at this address.

Sincerely,

  
 Wayne S. White  
Field Supervisor

Enclosures



ENCLOSURE A

Endangered and Threatened Species that May Occur in  
or be Affected by Projects in the Following Selected Quads

April 22, 1998

QUAD : 467A SAN RAFAEL

**Listed Species**

**Mammals**

✓ salt marsh harvest mouse, *Reithrodontomys raviventris* (E) 10-3-70

**Birds**

American peregrine falcon, *Falco peregrinus anatum* (E) 6-2-70

California brown pelican, *Pelecanus occidentalis californicus* (E) FEB 6-2-70

✓ California clapper rail, *Rallus longirostris obsoletus* (E) 10/13/1970

marbled murrelet, *Brachyramphus marmoratus* (T) 10/1/92

bald eagle, *Haliaeetus leucocephalus* (T) ← END AM 2-14-78 - RECLASSIFIED THREATENED

northern spotted owl, *Strix occidentalis caurina* (T) 6-26-90 8-11-95

**Amphibians**

California red-legged frog, *Rana aurora draytonii* (T) 6-23-96

**Fish**

tidewater goby, *Eucyclogobius newberryi* (E) 2-4-94

delta smelt, *Hypomesus transpacificus* (T) 3-5-93

coho salmon - central CA coast, *Oncorhynchus kisutch* (T) 12-2-96

Central California steelhead, *Oncorhynchus mykiss* (T)

**Invertebrates**

Myrtle's silverspot butterfly, *Speyeria zerene myrteleae* (E) 6-22-92

**Plants**

white-rayed pentachaeta, *Pentachaeta bellidiflora* (E) \* 2-3-95

Marin dwarf-flax, *Hesperolinon congestum* (T) 2-3-95

**Proposed Species**

**Fish**

Central Valley spring-run chinook salmon, *Oncorhynchus tshawytscha* (PE) 3-9-98

Central Valley fall-run chinook crit hab, *Oncorhynchus tshawytscha* (PT) 3-9-98

Central Valley fall-run chinook salmon, *Oncorhynchus tshawytscha* (PT) 3-9-98

MIL SITE  
LAT 37° 58' 56"  
LONG 122° 31' 19"  
ELEV. 78 FT.

QUAD : 467A SAN RAFAEL

**Proposed Species**

Fish

So. OR/CA coastal chinook salmon, *Oncorhynchus tshawytscha* (PT) 3-9-98

Sacramento splittail, *Pogonichthys macrolepidotus* (PT) 1-6-94

**Candidate Species**

Amphibians

California tiger salamander, *Ambystoma californiense* (C)

**Species of Concern**

Mammals

Point Reyes mountain beaver, *Aplodontia rufa phaea* (SC)

greater western mastiff-bat, *Eumops perotis californicus* (SC)

long-eared myotis bat, *Myotis evotis* (SC)

fringed myotis bat, *Myotis thysanodes* (SC)

long-legged myotis bat, *Myotis volans* (SC)

Yuma myotis bat, *Myotis yumanensis* (SC)

Pacific western big-eared bat, *Plecotus townsendii townsendii* (SC)

Point Reyes jumping mouse, *Zapus trinotatus orarius* (SC)

Birds

tricolored blackbird, *Agelaius tricolor* (SC)

Bell's sage sparrow, *Amphispiza belli belli* (SC)

ferruginous hawk, *Buteo regalis* (SC)

saltmarsh common yellowthroat, *Geothlypis trichas sinuosa* (SC)

Reptiles

northwestern pond turtle, *Clemmys marmorata marmorata* (SC)

California horned lizard, *Phrynosoma coronatum frontale* (SC)

Amphibians

Northern red-legged frog, *Rana aurora aurora* (SC)

foothill yellow-legged frog, *Rana boylei* (SC)

QUAD : 467A    SAN RAFAEL

**Species of Concern**

**Fish**

- Pacific lamprey, *Lampetra tridentata* (SC)
- longfin smelt, *Spirinchus thaleichthys* (SC)

**Invertebrates**

- Opler's longhorn moth, *Adela oplerella* (SC)
- sandy beach tiger beetle, *Cicindela hirticollis grvida* (SC)
- globose dune beetle, *Coelus globosus* (SC)
- Ricksecker's water scavenger beetle, *Hydrochara rickseckeri* (SC)
- Marin elfin butterfly, *Incisalia mossii* (SC)
- bumblebee scarab beetle, *Lichnanthe ursina* (SC)

**Plants**

- Tamalpais manzanita, *Arctostaphylos hookeri* ssp. *montana* (SC)
- San Francisco Bay spineflower, *Chorizanthe cuspidata* var. *cuspidata* (SC)
- Mt. Tamalpais thistle, *Cirsium hydrophilum* var. *vaseyi* (SC)
- northcoast bird's-beak, *Cordylanthus maritimus* ssp. *palustris* (SC)
- San Francisco gumplant, *Grindelia hirsutula* var. *maritima* (SC)
- Diablo rock-rose, *Helianthella castanea* (SC) \*
- Tiburon tarweed, *Hemizonia multicaulis* ssp. *vernalis* (SC)
- Tamalpais lessingia, *Lessingia micradenia* var. *micradenia* (SC)
- Santa Cruz microseris, *Microseris decipiens* (SC)
- Gairdner's yampah, *Perideridia gairdneri* ssp. *gairdneri* (SC)
- northcoast semaphore grass, *Pleuropogon hooverianus* (SC)
- Marin knotweed, *Polygonum marinense* (SC)
- Tamalpais streptanthus, *Streptanthus batrachopus* (SC)

KEY:

- |      |                           |   |
|------|---------------------------|---|
| (E)  | <i>Endangered</i>         | Listed (in the Federal Register) as being in danger of extinction.  |
| (T)  | <i>Threatened</i>         | Listed as likely to become endangered within the foreseeable future.  |
| (P)  | <i>Proposed</i>           | Officially proposed (in the Federal Register) for listing as endangered or threatened.                                |
| (C)  | <i>Candidate</i>          | Candidate to become a <i>proposed</i> species.  |
| (SC) | <i>Species of Concern</i> | May be endangered or threatened. Not enough biological information has been gathered to support listing at this time. |
| (*)  | Possibly extinct.         |   |
|      | <i>Critical Habitat</i>   | Area essential to the conservation of a species.  |

## Enclosure B

### **FEDERAL AGENCIES, RESPONSIBILITIES UNDER SECTIONS 7(a) and (c) OF THE ENDANGERED SPECIES ACT**

#### SECTION 7(a) Consultation/Conference

Requires: (1) Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species; (2) Consultation with FWS when a Federal action may affect a listed endangered or threatened species to insure that any action authorized, funded, or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The process is initiated by the Federal agency after determining the action may affect a listed species and (3) Conference with FWS when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat.

#### SECTION 7(c) Biological Assessment-Major Construction Activity<sup>1</sup>

Requires Federal agencies or their designees to prepare a Biological Assessment (BA) for major construction activities. The BA analyzes the effects of the action<sup>2</sup> on listed and proposed species. The process begins with a Federal agency requesting from FWS a list of proposed and listed threatened and endangered species. The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the list, the accuracy of the species list should be informally verified with our Service. No irreversible commitment of resources is to be made during the BA process which would foreclose reasonable and prudent alternatives to protect endangered species. Planning, design, and administrative actions may proceed, however, no construction may begin.

We recommend the following for inclusion in the BA- an on-site inspection of the area affected by the proposal which may include a detailed survey of the area to determine if the species or suitable habitat is present; a review of literature and scientific data to determine species' distribution, habitat needs, and other biological requirement; interviews with experts, including those within FWS, State conservation departments, universities and others who may have data not yet published in scientific literature; an analysis of the effects of the proposal on the species in terms of individuals and populations, including consideration of indirect effects of the proposal on the species and its habitat; an analysis of alternative actions considered. The BA should document the results, including a discussion of study methods used, and problems encountered, and other relevant information. The BA should conclude whether or not a listed or proposed species will be affected. Upon completion, the BA should be forwarded to our office.

---

<sup>1</sup> A construction project (or other undertaking having similar physical impacts) which is a major federal action significantly affecting the quality of the human environment as referred to in NEPA (42 U.S.C. 4332(2)C).

<sup>2</sup> Effects of the action" refers to the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action.

## Enclosure C

### **GUIDELINES FOR CONDUCTING AND REPORTING BOTANICAL INVENTORIES FOR FEDERALLY LISTED, PROPOSED AND CANDIDATE PLANTS**

(September 23, 1996)

These guidelines describe protocols for conducting botanical inventories for federally listed, proposed and candidate plants, and describe minimum standards for reporting results. The Service will use, in part, the information outlined below in determining whether the project under consideration may affect any listed, proposed or candidate plants, and in determining the direct, indirect, and cumulative effects.

Field inventories should be conducted in a manner that will locate listed, proposed, or candidate species (target species) that may be present. The entire project area requires a botanical inventory, except developed agricultural lands. The field investigator(s) should:

1. Conduct inventories at the appropriate times of year when target species are present and identifiable. Inventories will include all potential habitats. Multiple site visits during a field season may be necessary to make observations during the appropriate phenological stage of all target species.
2. If available, use a regional or local reference population to obtain a visual image of the target species and associated habitat(s). If access to reference populations(s) is not available, investigators should study specimens from local herbaria.

List every species observed and compile a comprehensive list of vascular plants for the entire project site. Vascular plants need to be identified to a taxonomic level which allows rarity to be determined.

4. Report results of botanical. field inventories that include:
  - a. a description of the biological setting, including plant community, topography, soils, potential habitat of target species, and an evaluation of environmental conditions, such as tinning or quantity of rainfall, which may influence the performance and expression of target species.
  - b. a map of project location showing scale, orientation, project boundaries, parcel size, and map quadrangle name.
  - c. survey dates and survey methodology(ies).
  - d. if a reference population is available, provide a written narrative describing the target species reference population(s) used, and date(s) when observations were made.
  - e. a comprehensive list of all vascular plants occurring on the project site for each habitat type.
  - f. current and historic land uses of the habitat(s) and degree of site alteration.

- g. presence of target species off-site on adjacent parcels, if known.
  - h. an assessment of the biological significance or ecological quality of the project site in a local and regional context.
5. If target species is(are) found, report results that additionally include:
- a. a map showing federally listed, proposed and candidate species distribution as they relate to the proposed project.
  - b. if target species is (are) associated with wetlands, a description of the direction and integrity of flow of surface hydrology. If target species is (are) affected by adjacent off-site hydrological influences, describe these factors.
  - c. the target species phenology and microhabitat, an estimate of the number of individuals of each target species per unit area; identify areas of high, medium and low density of target species over the project site, and provide acres of occupied habitat of target species. Investigators could provide color slides, photos or color copies of photos of target species or representative habitats to support information or descriptions contained in reports.
  - d. the degree of impact(s), if any, of the proposed project as it relates to the potential unoccupied habitat of target habitat.
6. Document findings of target species by completing California Native Species Field Survey Form(s) and submit form(s) to the Natural Diversity Data Base. Documentation of determinations and/or voucher specimens may be useful in cases of taxonomic ambiguities, habitat or range extensions.
7. Report as an addendum to the original survey, any change in abundance and distribution of target plants in subsequent years.. Project sites with inventories older than from the current date of project proposal submission will likely need additional survey. Investigators need to assess whether an additional survey(s) is (are) needed.
8. Adverse conditions may prevent investigator(s) from determining presence or identifying some target species in potential habitat(s) of target species. Disease, drought, predation, or herbivory may preclude the presence or identification of target species in any year. An additional botanical inventory(ies) in a subsequent year(s) may be required if adverse conditions occur in a potential habitat(s). Investigator(s) may need to discuss such conditions.
9. Guidance from California Department of Fish and Game (CDFG) regarding plant and plant community surveys can be found in Guidelines for Assessing the Effects of Proposed Developments on Rare and Endangered Plants and Plant Communities, 1984. Please contact the CDFG Regional Office for questions regarding the CDFG guidelines and for assistance in determining any applicable State regulatory requirements.



**United States Department of the Interior**  
**Fish and Wildlife Service**

Sacramento Fish and Wildlife Office  
2800 Cottage Way, Suite W-2605  
Sacramento, California 95825

IN REPLY REFER TO:  
1-1-99-I-2331

November 16, 1999

Mr. Jeffrey A. Lindley  
Division Administrator  
U.S. Department of Transportation  
Federal Highway Administration  
980 Ninth Street, Suite 400  
Sacramento, California 95814-2724

Subject: Marin 101 HOV Lane Gap Closure Project, Marin County, California

Dear Mr. Lindley:

This is in response to your letter dated July 12, 1999, requesting concurrence that the proposed Marin 101 HOV Lane Gap Closure Project, is not likely to adversely affect the federally endangered salt marsh harvest mouse (*Reithrodontomys raviventris*), California clapper rail (*Rallus longirostris obsoletus*), or the threatened California red-legged frog (*Rana aurora draytonii*), which are protected under the Endangered Species Act of 1973, as amended (Act).

The project as proposed involves widening highway 101 between Lucky Drive and North San Pedro Road, including the Corte Madera Creek Bridges, in Marin County. The project would also involve reconstruction of the 101/580 interchange.

The U.S. Fish and Wildlife Service has reviewed the project description as provided in the April 1999 *Natural Environment Study Reevaluation* prepared by Caltrans, and concurs that the project as proposed is not likely to adversely affect the above listed species.

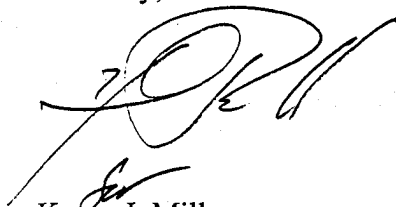
Therefore, unless new information reveals effects of the proposed action that may affect listed species in a manner or to an extent not considered, or a new species or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the Act is necessary.



Mr. Jeffrey A. Lindley

If you have any questions, please contact Don Hankins or Kenneth Sanchez at (916) 414-6625.

Sincerely,

A handwritten signature in black ink, appearing to be 'KJ Miller', written in a cursive style.

Karen J. Miller

Chief, Endangered Species Division

**RECORD OF MEETING OR CONVERSATION**

Date: November 10, 1999

MEMORANDUM

File: Mn-101-13.2/20.4 (PM 8.2/12.7)  
EA 115750  
HOV Lane Gap Closure

To: File

From: John Yeakel

**WHERE HELD:**☒ By Telephone      ☐ District Office      ☐ At Other Party's Office  
Other: \_\_\_\_\_**INITIATED BY:**☐ District      ☒ Other: \_\_\_\_\_**PARTICIPANTS:**

Ms. Laura Hamilton	National Marine Fisheries Service	(707) 575-6082
Mr. John Yeakel	Caltrans	(510) 286-5606

**SUBJECT: Endangered Species**

Laura Hamilton called in response to our request for consultation on the HOV Lane Gap Closure Project and listed species in the San Rafael Quadrangle subject to NMFS jurisdiction.

I described the project with particular attention to the bridges at Corte Madera Creek. The contractor will work from the deck of the existing bridges, or from temporary construction trestles supported on driven piles. The trestles will extend from a point above the High Tide Line. All work in the water (pile driving, etc...) will be done during the designated work window.

Laura said that NMFS is not concerned about effects to coho salmon because "they are not there." NMFS will give a "no effect" opinion on the project if Caltrans commits to:

No work in the water during the period of Oct 15 – June 1, and

Replacement of effected vegetation. Replacement in kind (if native), or with native species.

## Floodplain Evaluation Report Summary

Dist. 04 Co. Marin Rte. 101-580 K.P. 13.2-20.4/7.2-7.7

Project No. 115750

Bridge No. \_\_\_\_\_

Limits: On U.S. 101 from Lucky Drive to North San Pedro Road and Interstate 580 from Irene Street to U.S. 101, Marin County, California.

Floodplain Description: The floodplain includes an area at Corte Madera Creek to the south in Larkspur and Corte Madera; and another area in central San Rafael on the east and west sides, the length of Francisco Boulevard.

- |  | Yes   | No    |
|--|-------|-------|
| 1. Is the proposed action a longitudinal encroachment of the floodplain?   | [ X ] | _____ |
| 2. Are the risks associated with the implementation of the proposed action significant?  | _____ | [ X ] |
| 3. Will the proposed action support probable incompatible floodplain development?  | _____ | [ X ] |
| 4. Are there any significant impacts on natural and beneficial floodplain values?  | _____ | [ X ] |
| 5. Routine construction procedures are required to minimize impacts on the floodplain. Are there any special mitigation measures necessary to minimize impacts or restore and preserve natural and beneficial values? If yes, explain. | _____ | [ X ] |
| 6. Does the proposed action constitute a significant floodplain encroachment as defined in 23 CFR, Section 650.105(q)?   | _____ | [ X ] |
| 7. Are Location Hydraulic Studies that document the above answers on file?   | [ X ] | _____ |

PREPARED BY:

Joseph E. Petersen  
Signature – Dist. Hydraulic Engineer

5/21/99  
Date

David B. Black  
Signature – Dist. Environmental Branch Chief

5/20/99  
Date

Marie Hayden  
Signature – Dist. Project Engineer

5/20/99  
Date

I CONCUR:

R. Clayton Horvath  
Signature – FHWA

5/25/99  
Date

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION  
2101 WEBSTER STREET, SUITE 500  
OAKLAND, CA 94612

Phone: (510) 286-1255  
Fax: (510) 286-1380



March 29, 1993  
File No. 2158.02(DRH)

Ken Van Velsor  
Caltrans - District 4  
111 Grand Avenue  
Oakland, CA 94623-0660

Subject: Sch. #93023054, Notice of Preparation for Marin 101 HOV  
Gap Closure Project

Dear Mr. Velsor:

We reviewed the Notice of Preparation of a draft EIR for Caltrans Highway 101 HOV gap closure between Lucky Drive and San Pedro Road in Marin County and have the following concerns and comments.

We are concerned about potential degradation of water quality and threat to beneficial uses of water bodies both during the construction phase and during ongoing operation and maintenance of the freeway following construction. The draft EIR should address potential disturbance or loss of wetlands due to filling, diking, dredging, or drainage and should provide detailed mitigation measures for any wetland loss or degradation. The draft EIR should also include a stormwater pollution prevention plan to control erosion, sedimentation, and release of chemicals during the construction phase. The draft EIR should have detailed control measures including vegetation plans, materials storage and handling, and methods for preventing sedimentation impacts.

The project EIR should also address potential impacts of increased runoff following project completion. Stormwater control measures should include provisions to protect the wetlands and any other adjacent waterbodies from increased erosion and runoff, as well as addressing long term effects of pesticide applications related to landscape maintenance.

If you have any questions concerning this letter, please call me at (510) 286-4398.

Sincerely,

A handwritten signature in cursive script that reads 'Dale R. Hopkins'.

Dale R. Hopkins  
Environmental Specialist

## Memorandum

To : Mr. David B. Black  
Environmental Planning Branch  
Department of Transportation  
Post Office Box 23660  
Oakland, California

Date: March 17, 1993

From : Department of Fish and Game

Subject Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for Completion of HOV Lane on Route 101, San Rafael, Marin County

Department of Fish and Game personnel have reviewed the subject NOP/DEIR. Our concerns regarding the proposed closing of the gap in the HOV lanes on State Route 101 center on the potential impacts to Corte Madera Creek and San Rafael Creek. The crossing at Corte Madera Creek is in an area known to support State- and Federally-listed threatened and endangered species. The DEIR needs to address possible impacts to salt marsh harvest mice, black and California clapper rails, as well as impacts to wetland resource values.

Should impacts be anticipated, adequate mitigation and compensation for wetland losses should be incorporated into the DEIR or a mitigation plan developed to address those impacts. Wetland compensation should be at a ratio of at least 2:1 with additional buffer areas to ensure no net loss of habitat value. Department personnel are available to discuss mitigation concepts and necessary revegetation plans.

The Department has direct jurisdiction under Fish and Game Code sections 1601-03 in regard to any proposed activities that would divert or obstruct the natural flow or change the bed, channel, or bank of any stream. We recommend early consultation since modification of the proposed project may be required to avoid impacts to fish and wildlife resources. Formal notification under Fish and Game Code Section 1603 should be made after all other permits and certifications have been obtained. Work cannot be initiated until a streambed alteration agreement is executed.

To arrange a meeting or discuss our recommendations, contact Fred Botti, Associate Wildlife Biologist, at (707) 944-5534.

*Cindy Catalano*

Brian Munter

for Regional Manager  
Region 3

State of California - The Resource Agency  
OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION  
P.O. Box 2390  
Sacramento, CA 95911  
(916) 445-8006

Date: 29 June 1989

Project No.: FHWA 890607A

TITLE: State Rte. 101 between Lucky Dr. & San Pedro Rd., Larkspur

The item cited above was received in this office on 6-7-89  
Thank you for consulting us pursuant to 36 CFR 800.

We concur in your determination that this undertaking:

- ☒ Does not involve National Register or eligible properties.  
☐ Will not affect National Register or eligible properties.

The provisions of 36 CFR 8W.7 apply if previously unidentified National Register or eligible resources are discovered during construction.

Contact: Nicholas Del Cioppo of our staff if you have any questions.

  
Kathryn Gualtieri  
State Historic Preservation Officer



U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
REGION NINE

CALIFORNIA DIVISION  
P. O. Box 1915  
Sacramento, California 95812-1915

ARIZONA  
CALIFORNIA  
NEVADA  
HAWAII  
GUAM  
AMERICAN SAMOA

July 5, 1989

IN REPLY REFER TO  
HPR-CA

File:  
FAP-101  
04-Mrn-101-8.4/12.7  
HOV Gap Completion

Mr. George Gray, Deputy District Director  
Planning Public Transportation  
CALTRANS, District 04  
P. O. Box 7310  
San Francisco, California 94120

Dear Mr. Gray:

Your May 8, 1989 letter submitted a Historic Property Survey Report for the proposed project to construct high occupancy vehicle lanes on State Route 101 between Lucky Drive and San Pedro Road in the Cities of Larkspur and Corte Madera in Marin County.

In consultation with the State Historic Preservation officer, we have determined that the proposed project will have no effect on properties listed in or eligible for inclusion in the National Register of Historic Places. This completes 36 CPR 800 requirements for this project.

Sincerely yours,

For  
Bruce E. Cannon  
Division Administrator

Enclosure:  
SHPO Letter

OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION

P.O. BOX 942896  
SACRAMENTO, CA 94296-0001  
(916) 653-6624 Fax: (916) 653-9824  
calshpo@mail2.quiknet.com

GRAY DAVIS, Governor



*copy to Dave Casey  
" " Dave Black*

*original/advance  
copy*

*Kathy Sawdall has  
original*

March 31, 1999

REPLY TO: FHWA990311B

Jeffrey A. Lindley, Division Administrator  
Federal Highway Administration, Region Nine  
980 Ninth Street, Suite 400  
Sacramento CA 95814-2724

Project: **04-MRN-101, PM 8.4/12.7. HOV Gap Closure, State Route 101,  
City of San Rafael, Marin County, California**

Dear Mr. Lindley:

In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and the implementing regulations at 36 CFR Part 800, you have requested my concurrence with the following determinations regarding the undertaking cited above:

- (1) the prehistoric component of site CA-MRN-644/H is not eligible for the National Register of Historic Places (NRHP) due to a lack of integrity; (2) the historic sheet scatter is not a contributing element of the historic archaeological component of CA-MRN-644/H; (3) the historic house locations identified through archival research and exploratory trenching are below fill soils and are not expected to be subject to any project effects; (4) unevaluated elements of the historic component of CA-MRN-644/H are outside the project area of potential effects (APE) and will not be affected by implementation of the undertaking.

Based on staff review of the "Historic Property Survey Report for the Marin HOV Gap Closure, City of San Rafael, California" (HPSR) 1 concur with -each of your determinations. As documented in the report, the prehistoric component of site CAMRN-644/H is not eligible for inclusion in the National Register of Historic Places because its integrity has been severely compromised.

The sheet scatter of materials dating from the 19th-century through recent times could not be associated with any specific individual or time period and it neither has nor has had important information to contribute to our understanding of history. Therefore it is ineligible for the NRHP.

Because the historic house locations are protected by a layer of fill soil at least 30 to 50 centimeters deep, they are not expected to be affected by the parking space installation slated for this portion of the APE.

Lastly, you have adequately documented that, based on map data, unevaluated portions of the historic component of the site (e.g., a well location as well as a privy) are



Mr. Jeffrey Lindley  
March 31, 1999  
Page Two

FHWA99031 1 B

outside the project APE. For all of these reasons, I concur with your determinations as stated in your letter dated March 11, 1999.

I acknowledge that the FHWA has provided me with information documenting how it has determined, in accordance with Sections 800.4(a)-(c) of the regulations implementing Section 106 of the NHPA, that there are no historic properties that expected to be affected by the undertaking. Therefore, pursuant to Section 800.4(d), once you have notified interested persons and parties known to be interested in the undertaking and its possible effects on historic properties and you have made the documentation available to the public, I agree that you are not required to take further steps in the Section 106 process.

If you have any questions, please contact archaeologist Chuck Whatford of my project review staff at (916) 653-2716 or <calshpo.chuck@quiknet.com>

Sincerely,

A handwritten signature in dark ink, appearing to read 'Daniel Abeyta', with a stylized flourish extending from the end.

Daniel Abeyta  
Acting State Historic Preservation Officer

**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896  
SACRAMENTO, CA 94296-0001  
(916) 653-6624 Fax: (916) 653-9824  
calshpo@ohp.parks.ca.gov

**November 4, 1999****Reply To: FHWA99031 1 B**

**Jeffrey A. Lindley, Division Administrator  
U.S. Department of Transportation  
Federal Highway Administration  
California Division  
980 Ninth Street, Suite 400  
Sacramento, CA 95814-2724**

**Re: Determinations of Eligibility for the Proposed High-Occupancy Vehicle Lane Gap Closure Project on Route 101 in San Rafael, CA**

**Dear Mr. Lindley:**

You have provided me with the results of your efforts to determine whether the project described above may involve historic properties. You have done this, and are consulting with me, in order to comply with Section 106 of the National Historic Preservation Act and implementing regulations codified at 36 CFR Part 800.

The Federal Highway Administration (FHWA) has determined that the following properties are not eligible for the National Register of Historic Places:

- Bridge No. 27-006OF - 101/580 Connector
- Bridge No. 27-0035R - San Rafael Viaduct
- Bridge No. 27-0033S - San Rafael Harbor Bridge
- Bridge No. 27-0034 - Linden Lane Undercrossing
- Bridge No. 27-0030 - Lincoln Ave Undercrossing
- Fantasma Custom Iron & Rustic Pottery - 438 Francisco Blvd, San Rafael
- Miconi Marble & Tile - 446 Francisco Blvd, San Rafael
- Don Collin Motors - 502 Francisco Blvd, San Rafael
- BJ's Body Shop - 510 Francisco Blvd, San Rafael

Based on review of the submitted documentation, I concur that these nine properties are not eligible for the NRHP.

Thank you for considering historic properties during project planning. If you have any questions, please call Natalie Lindquist at (916) 654-0631 or e-mail at [nlinda@ohp.parks.ca.gov](mailto:nlinda@ohp.parks.ca.gov).

Sincerely,

Daniel Abeyta, Acting  
State Historic Preservation Officer

**NOV 09 1999  
FHWA**

**STATE LANDS COMMISSION**

**LEO T. McCARTHY**, *Lieutenant Governor*  
**GRAY DAVIS**, *Controller*  
**THOMAS W. HAYES**, *Director of Finance*

**EXECUTIVE OFFICE**  
**1807 - 13th Street**  
**Sacramento, CA 95814**

**CHARLES WARREN**  
**Executive Officer**

April 2, 1993

File Ref.: 93-03-18.8

Mr. Ken Velsor  
Caltrans, District 4  
111 Grand Avenue  
Oakland, CA 94623-0660

Dear Mr. Velsor:

Staff of the State lands Commission (SLC) has reviewed the Notice of Preparation (NOP) of a draft Environmental Impact Report (DEIR) for the Marin 101 HOV GAP Closure Project, SCH #93023054. Based on this review, we offer the following comments.

The State acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for the statewide Public Trust purposes of waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. The landward boundaries of the State's sovereign interests are generally based upon the ordinary high water marks of these waterways as they last naturally existed. Thus, such boundaries may not be readily apparent from present day site inspections. The State's sovereign interests are under the jurisdiction of the SLC.

From the information provided, it appears that a portion of the proposed project will involve State sovereign lands and will require an amendment to existing permit, PRC 512, from the SLC. The SLC is, therefore, a Responsible Agency under the California Environmental Quality Act (CEQA). For information concerning our permit requirements, please contact Nanci Smith at (916) 322-7193.

The portion of the project located across San Rafael Creek has been legislatively granted to the City of San, Rafael pursuant to Chapter 83, Statutes of 1923 and subsequently amended. Therefore, a permit from the SLC will not be necessary for this portion of the project.

The document should discuss the full range of environmental issues required under CEQA- Staff of the SLC is particularly concerned about any damage to cultural resources, loss or damage to wetlands and riparian corridors. Each of these areas should be thoroughly analyzed within the draft document.

Mr. Ken Velsor  
April 2, 1993  
Page Two

Thank you for your consideration of these comments. If you have airy questions regarding content of the DER please contact Kirk Walker at (916) 322-0530.

Sincerely,

A handwritten signature in cursive script that reads "Mary Griggs".

MARY GRIGGS  
Environmental Review Section  
Division of Environmental  
Planning and Management

cc: Dwight E. Sanders  
Nanci. Smith  
Kirk Walker  
OPR

**SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION**

THIRTY VAN NESS AVENUE, SUITE 2011

SAN FRANCISCO, CA 94102-6080

PHONE: (415) 557-3686

FAX: (415) 557-3767



California Department of Transportation  
District 4  
P.O. Box 23660  
Oakland, California V-4623-0660

ATTENTION: Harry Y. Yahata, District Director

July 9, 1998

SUBJECT: Request for Consistency Determination with the Coastal Zone Management Plan;  
Marin 101 Gap Closure Project; BCDC Inquiry File No. MR.CM.7116.2

Dear Mr. Yahata:

This letter is in response to your request for a consistency determination for the 101 Gap Closure project located in Marin County, a portion of which is over Corte Madera Creek.

BCDC's Coastal Zone Management Program provides that consistency matters will be handled as much as possible like permits. Section 930 of the Federal Regulations on consistency also provides for consistency determinations "for every major funding phase of the Federal assistance activity..." At this time, BCDC staff believes it can provide a preliminary concurrence of the proposed project, but only under the following conditions:

1. This request comes at the environmental document stage. Because the staff normally comments on environmental documents and not the (Zqmg4ssion, the staff believes it can make this determination at this time. However, while this staff determination is based on the McAteer-Petris Act, the *San Francisco Bay Plan*, and the Commission's amended Coastal Zone Management \*Program, it is a staff determination only as the Commission has not had the opportunity to review the document. A further and final Cominission decision on the project regarding its consistency will be made at the permit application stage.
2. This determination is based upon the information provided in the environmental document only. While the information in the Environmental Document allows the staff to conclude that the project could likely be constructed consistent with the Commission's federally approved management program, the precise details of the proposed work have not been fully analyzed. It appears that the widening of the bridges over Corte Madera Creek would minimize fill in the Bay and adverse impacts to other Bay's resources, including recreation and fisheries, the specific details on the amounts and locations of work in and around the Creek are not finalized at this time. In addition, construction related impacts (temporary work platforms or trestles, timing, recreational -path closures, etc.) would also need to be analyzed to ensure that they are mitigated to avoid adverse impacts. Hence, this determination does not necessarily mean that a final design is consistent. Our subsequent comments elaborate further on our concerns in this regard.

Dedicated to making San Francisco Bay better.

### **Preliminary Comments Regarding Fill**

Section 66605 of the McAtter Petris Act requires, among other things, that any fill authorized be for a water-oriented use, such as bridges, that there is no alternative upland location for the project, and that the fill be the minimum amount necessary. In addition, any adverse impacts of the fill may need to be mitigated. Final estimates on the type, duration temporary or permanent), and quantity of fills proposed (in square feet and cubic yards) will be at the time a permit application is submitted.

### **Preliminary Comments Regarding Coastal Recreation**

Section 66632 of the McAtter Petris Act requires, among other things, that any fill authorized provide for maximum feasible physical and visual public access. There is an extensive, well, used network of pedestrian, bicycle and wheelchair paths on, below and around Highway 101 where it crosses Corte Madera Creek. Details on any modifications to the paths, including temporary closures or detours, signs and railings, would be reviewed to ensure they would not create any adverse impacts on both physical and visual access and would provide feasible public access.

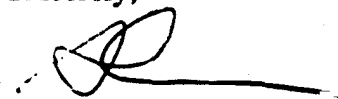
### **Preliminary Comments on Construction Related Impacts**

The seismic retrofit work on the Highway 101 bridge over Corte Madera Creek included a number of mitigation measures to protect coastal resources. Anticipating similar impacts from the Gap Closure Project, the project should include equal or superior mitigation measures that prevent adverse impacts on navigation, fisheries, marshes and mudflats and recreational opportunities.

To summarize, these are staff comments only; a final consistency determination must await Commission approval of a permit for the proposed project. The staff's preliminary review does suggest that the portion of the project within our jurisdiction, could be consistent with the Commission's federally approved Coastal Zone Management Plan. In past projects, the Commission's staff and representatives from Caltrans have worked together to ensure that projects within the Commission's jurisdiction are fully consistent with the Commission's laws and policies. Therefore, the staff believes that the portion of the proposed project within Commission jurisdiction generally conforms to the federally approved Coastal Zone Management Plan for San Francisco Bay.

If you have any questions regarding this matter, please feel free to call me or Nicholas Salcedo, Coastal Analyst, at (415) 557-3689.

**Sincerely,**



**STEVEN A. McADAM**  
**Deputy Director**

SAM/NS/ra

cc: Caltrans, Attn: Rosemary Slabaugh  
Caltrans, Attn: Ken Van Velsor  
County of Marin, Attn: Mark Reisenfeld  
City of Larkspur, Attn: Jane Vazquez  
City of Corte Madera, Attn: David Hale

Harry Yahata., District. Director  
California Department of Transportation  
July 9, 1998  
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Golden Gate Bridge, Highway and  
Transportation District, Attn: Mervin Giocomini  
Marin Rowing Association  
Dept. of Fish and Game, Attn: Carl Wilcox  
U.S. EPA, attn: Mike Monroe

MAR 25 1993

PETE WILSON

Governor

STATE OF CALIFORNIA

**SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION**

THIRTY VAN NESS AVENUE, SUITE 2011

SAN FRANCISCO, CA 94102-6080

PHONE: (415) 557-3686



California Department of Transportation  
District 4  
111 Grand Avenue  
P. O. Box 2360  
Oakland, California 94623-0660

March 19, 1993

ATTENTION: David D. Black  
Environmental Planning Branch--North

SUBJECT: Marin 101 HOV Gap Closure Project  
(BCDC Inquiry File No. MC.MC.7116.2)

Gentlemen:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the proposed Marin 101 HOV Gap Closure Project. The NOP states that the project would be located in the Highway 101 corridor between Lucky Drive and North San Pedro Road in Marin County, and would include construction of northbound and southbound auxiliary lanes, ramp metering, and improvement to the 101/580 Interchange. Although the Commission itself has not had an opportunity to review the NOP, the following are staff comments based on the McAteer-Petris Act and the San Francisco Bay Plan, the commission's laws and policies.

Jurisdiction

The Commission has permit jurisdiction over tidal areas of San Francisco bay and "certain waterways," including Corte Madera Creek in Marin County to the downstream end of the concrete flood control channel. Thus, the work proposed for this project within the tidal areas of Corte Madera Creek would require a BCDC permit, and such an application would likely be classified as a "major" permit, which would require a public hearing and commission vote. The EIR prepared for the project should specify that a BCDC permit would be required for all work within the tidal areas of Corte Madera Creek.

Segmentation/Cumulative Impacts

On February 19, 1993, Nicholas Salcedo of the BCDC staff attended a meeting to discuss the proposed seismic retrofit of the Highway 101 Bridge at Corte Madera Creek. However, the NOP for the Highway 101 Gap Closure Project does not mention any seismic work on bridge supports as part of the project.

Dedicated to making San Francisco Bay better.



Staff believes that the two projects and their impacts should be considered together. The EIR for the Gap Closure project should include seismic retrofit work, or any other work on bridge- supports, as part of the project EIR, and evaluate all significant impacts therefrom. Alternatively, if this work will not be completed as part of one project, the cumulative impacts of the two project elements should be discussed in the EIR.

#### Fill

Under the Commission's law, any material placed in, over, or under the Bay, including pile-supported structures, is considered fill. Thus, all elements of the project shadowing tidal areas of the Creek, or placed in the Creek, would need to meet the McAteer-Petris Act and Bay Plan requirements for fill. Section 66605 of the McAteer-Petris Act allows fill only for water-oriented uses, and bridges are identified as "water-oriented." In the Commission's recent update of the Bay Plan Policies on transportation, attached for your use, the Commission found also that bridges are considered to be a water-oriented use. However, the Act also requires that fill should only be authorized if there is no feasible alternative upland location, the fill is the minimum amount necessary, the applicant minimizes harmful effects to the Bay such as the reduction in water surface area or volume, and the public benefits of the project clearly exceed the public detriment. Although the fill would appear to be a water-oriented use, the commission must be able to make the additional findings. Therefore, to aid the Commission in its review of the project, the EIR should include discussion of how the project is consistent with the relevant portions of the McAteer-Petris Act and Bay Plan regarding fill and transportation.

#### Wetlands

The NOP for the project states that the project will likely include wetland impacts. The EIR for the project should document all impacts on wetlands, including the impacts from construction operations and increases in shadowing of wetland habitat which would reduce its viability. The EIR should also include a discussion of the steps that would be taken to avoid or minimize wetland impacts.

#### Mitigation

The Bay Plan policies on mitigation state, in part, that "Mitigation should consist of measures to compensate for the adverse impacts of the fill to the natural resources of the Bay, such as to water surface, volume or

circulation, fish and wildlife habitat or marshes or mudflats .... When mitigation is necessary to offset the unavoidable adverse impacts of approvable fill, the mitigation program should assure: (1) that benefits from the mitigation should be commensurate with the adverse impacts on the resources of the Bay and consist of providing area and enhancement resulting in characteristics and values adversely affected; (2) that the mitigation would be at the fill project site, or if the Commission determines that on-site mitigation is not feasible, as close as possible." The EIR for the project should include a discussion of possible mitigation measures and the ways in which the benefits of proposed mitigation would be commensurate with the adverse impacts of the project.

#### Sedimentation/Flooding

The proposed project includes work near the mouth of Corte Madera Creek. If the project would include relocating or increasing the size of existing concrete supports, the project could change the sedimentation and flow patterns in the Creek, which in turn could increase the potential for flooding in the area. In addition, changes in sedimentation could increase the need for dredging portions of the Creek. The EIR for the project should address the potential for changed sedimentation and flow patterns in Corte Madera Creek, and any increased flooding or need for dredging that may result.

#### Public Access

The proposed project would widen the highway in a location where a bike path traverses Corte Madera Creek. The EIR for the project should evaluate the project for its impact on this use. In addition, the EIR should address potential improvements to visual and physical public access, including adjusting the height of railings to improve visual access to the Bay and other view points, such as Mt. Tamalpais, for vehicles using the highway, as well as providing biking or walking path connections across the Creek and parallel to the highway corridor from the existing public access pathway along the north bank to the public road at the south bank.

#### Navigation

Bay Plan policies on transportation require that structures used for bridges, such as support members, should provide adequate clearance for commercial ships, Navy ships and pleasure boats to have uninterrupted passage

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at all times. If the project includes enlarging, moving, or adding bridge supports, the EIR should include an evaluation of the impacts on navigation of these project elements.

Conclusion

For the Commission to properly review a permit application for the proposed project, the EIR should address fill and fill impacts, impacts to wetlands and other biological resources from project improvements or construction operations, mitigation for project impacts, changes to sedimentation and flooding that could result from the project, possible impacts upon navigation, and impacts on and proposed improvements to public access.

Again, thank you for the opportunity to provide comments on the Notice of Preparation on an EIR for the proposed project. If you have any questions, or require further information, please call.

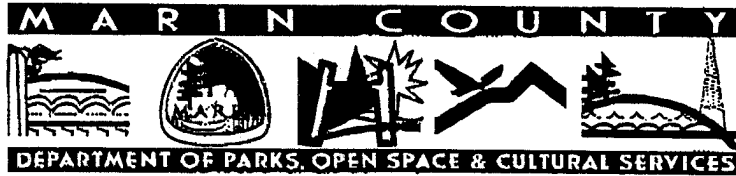
Very truly yours,



RICHARD L. COOPER  
Permit Analyst

RLC/mm

cc: Marin Audubon Society, Attn: Barbara Salzman  
City of Larkspur



County Parks

Open Space District

Landscape Services

Marin Center

County Fair

Convention & Visitors  
Bureau

Civic Center  
Concessions & Tours

Frances M. Briggmann  
Director

Dennis Jauch  
Assistant Director

**December 23, 1999**

**Mr. Harry Yahata, District 4 Director  
State Department of Transportation  
111 Grand Avenue  
Mail: P.O. Box 23660  
Oakland, California 94623-0660**

Dear Mr. Yahata:

I understand that the Marin Highway 101 HOV Gap Closure Project through Central San Rafael and Larkspur will require periodic closure of the pedestrian/bicycle path along the southbound Highway 101 on-ramp from Sir Francis Drake Boulevard. The closures are necessary to allow for the safe driving of piles and the widening of the deck. This path is a segment of the regional Bay Trail and an important non-vehicular link for local residents back and forth across Corte Madera Creek from Lucky Drive to and from Sir Francis Drake.

I further understand that this segment of the Bay Trail will be fully restored upon completion of the project. Based on the need for these highway improvements, and the importance of this path linkage to the Bay Trail and local residents, I believe tile closures and changes to this path will have minimal impact if the following are adhered to:

1. Establishment of an alternate route. The best is to route people to Bon Air Road -for crossing. A second alternative, utilizing the path along the northbound off-ramp to Sir Francis Drake, is not advisable due to the narrowness of the path for 2-way traffic and the lack of any barrier from vehicle traffic traveling at high speeds.
2. Clear signage before the current on-ramp path, at key junctions, and right at the on-ramp to signal to pedestrians and bicyclists when the path is closed and what alternative route to take. The alternative route should also be well marked.

I understand that you are preparing a signage plan for diversion of vehicle traffic at those times when the entire on-ramp must be shut down. Marin County awaits that information as soon as it is available.

Marin County Civic Center • 3501 Civic Center Drive & San Rafael, CA 94903  
Administrative Office: 415.499.6387 • Fax: 415.499-3795 • TDD: 415.499-6368  
E-MAIL: fbriggmann@marin.org. OR djauch@marin.org • WEBSITE: <http://marin.org/mc/pos>

3. Peak vehicle traffic times are not necessarily the same as peak path usage times. While I have not observed this path at different periods, if it is like other bike and pedestrian paths its highest use is probably week-days in the early morning, late afternoon, evening, and weekends, Construction 10:00 a.m. to 3:00 p.m. weekdays (the likely window of least vehicle traffic), or at night any day of the week, would also likely minimize impact on path usage. These hours should be reviewed and revised as appropriate by your staff who have more direct knowledge of the peak vehicle traffic periods than I do,

If the path has to be closed during periods of high path usage, it is extremely important that the alternative route be carefully laid out and well indicated to path users. This is both for their benefit and for you, as your work can best be accomplished if people are not trying to get through your work area.

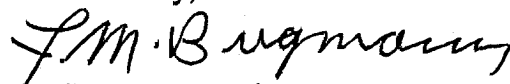
Lastly, I understand you are considering doing some of the construction work at night to minimize impact on, vehicle traffic during the day; this would also benefit path usage.

With the above, I believe that the possible temporary negative effects of the proposed changes to this segment of the Bay Trail, can be minimized and managed. My Department recognizes the need for, and is supportive of, this highway improvement project staying on its current schedule.

For your information, my Department is responsible for Class I bicycle and pedestrian paths in the unincorporated areas of Marin County; we are also interested in maintaining key pedestrian and bicycle links throughout the County, hence our interest in this project.

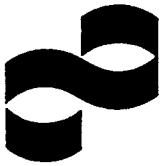
Thank you for your attention to this item.

Sincerely,



Frances M. Briggmann  
Director

Cc: Mchdi Sadjadi  
Farhad Mansourian  
Art Brook  
Supervisor Hal Brown  
Supervisor Steve Kinscy  
Steve Petterle  
Bikeways Committee



GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

February 25, 1993

Mr. David B. Black  
Environmental Planning Branch North  
District 4 California Department of Transportation  
111 Grand Avenue  
Oakland, CA 94623-0660

Dear Mr. Black:

Re: **Notice of Preparation of Draft Environmental Impact Report (DEIR)**  
**Karin 101 NOV Gap Closure Project**

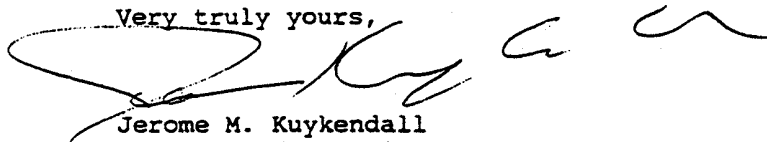
Thank you for the notice of preparation and opportunity to comment on the scope and content of the subject DEIR.

The Golden Gate Bridge, Highway and Transportation District is concerned with any aspects of the proposed project that may affect peak period traffic volumes to be *accommodated at* the Golden Gate Bridge as well as demand for the District's bus and ferry services and the efficiency and effectiveness with which these services can be provided. Pursuant to its responsibilities under a cooperative agreement, the District also acts in this matter on behalf of the Northwestern Pacific Railroad (NWP) Task Force. The Task Force is a group of local jurisdictions and agencies that is working to acquire and preserve the NWP right-of-way for future public transportation use. The Task Force is concerned with any aspects of the proposed project that could affect the ability of the NWP right-of-way to accommodate a future public transportation facility, or advance or retard the time when such facility may be needed.

It is suggested that the DEIR assess the effect of the project on the efficiency and effectiveness of bus services, including ferry feeder bus services, and any consequent effect on transit patronage. If any project alternatives include relocation of the adjacent NWP right-of-way, or taking with subsequent reestablishment of the right-of-way, the DEIR should consider the effect on the feasibility of future transit development.

You may contact me by phone at (415) 257-4465 or by facsimile at (415) 257-4516 relative to future District involvement in this project.

Very truly yours,



Jerome M. Kuykendall  
Director of Planning  
and Policy Analysis

JMK:gj  
c: Carney J. Campion  
a: wwp51 mail/1101 box.023

RECEIVED

MAR 02 1993

Environmental Analysis  
Branch A

MAR 16 1993



**MARIN COUNTY TRANSIT DISTRICT**

*Civic Center • San Rafael, California 94903 • Telephone (415) 499-6099*

*Fax Number 499-6910*

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March 11, 1993

Mr. David B. Black  
Senior Environmental Planner  
Environmental Planning Branch  
California Department of Transportation  
111 Grand Avenue  
P. O. Box 23660  
Oakland, CA 94623-0660

Dear Mr. Black,

The Marin County Transit District at their March 9, 1993, meeting voted to support the Highway 101 HOV Gap Closure Project and the draft Environmental Impact Report (EIR) associated with the Project. The Transit District Directors also voted to support study of a "transit only" solution as part of the draft EIR. Finally, the Transit District recommends that the Northwestern Pacific Railroad Right-of-Way not be used as part of the Highway 101 HOV Gap Closure Project, and that the draft EIR examine any impacts to the Railroad Right-of-Way that might result from the Gap Closure Project.

Please advise should you have any questions concerning the District's action on this matter.

Very truly yours

John A. Leli  
Transit Manager